

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT L. SANFORD,

Plaintiff,

v.

EATON, *et al.*,

Defendants.

No. 1:20-cv-00792-JLT-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF ACTION FOR FAILURE TO
STATE A CLAIM

(Doc. 35)

Plaintiff Robert L. Sanford is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The court did not screen the original complaint, because Plaintiff requested leave to file an amended complaint. (Doc. 11.) Consequently, the assigned magistrate judge screened the first amended complaint, and granted Plaintiff leave to file a second amended complaint. (Docs. 12, 16.) The magistrate judge screened the second amended complaint and issued findings and recommendations that the federal claims in this action be dismissed based on Plaintiff's failure to state a cognizable claim. (Doc. 21.) The undersigned adopted the findings and recommendations in part and dismissed the second amended complaint with leave to amend within thirty days. (Doc. 27.)

On May 2, 2022, the magistrate judge screened the third amended complaint and issued findings and recommendations that this action be dismissed for failure to state a cognizable claim upon which relief may be granted. (Doc. 35.) On May 16, 2022, Plaintiff timely filed objections

1 to the findings and recommendations. (Doc. 36.)

2 According to 28 U.S.C. § 636(b)(1)(C), this Court has conducted a *de novo* review of this
3 case. Having carefully reviewed the entire file, including Plaintiff's objections, the Court finds
4 the findings and recommendations are supported by the record and by proper analysis. In
5 particular, and contrary to Plaintiff's suggestion in his objections, the findings and
6 recommendations correctly conclude that the TAC fails to contain *non-conclusory* allegations
7 suggesting that any defendant disregarded a risk by failing to take reasonable measures to avoid
8 the risk. Thus, the Court **ORDERS**:

- 9 1. The findings and recommendations issued on May 2, 2022, (Doc. 35), are adopted in
10 full.
- 11 2. This action is dismissed, with prejudice, for failure to state a cognizable claim upon
12 which relief may be granted; and
- 13 3. The Clerk of the Court is directed to close this case.

14
15 IT IS SO ORDERED.

16 Dated: **June 16, 2022**


UNITED STATES DISTRICT JUDGE